

SCWSCS 07 JUL 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Sean Brynjelsen et al. )  
 Serial No.: 09/964,273 )  
 Date Filed: September 26, 2001 ) Art Unit: 1615  
 Title: Preparation of Submicron Solid Particle )  
 Suspensions by Sonication of Multiphase )  
 Systems )  
 Atty Docket No.: IFT-5776 ) June 30, 2004

RECEIVED

JUL 26 2004

OFFICE OF PETITIONS

VIA FACSIMILE: 703 308-7751

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

Attn: OIPE Customer Service

#9

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT**

Dear Sir:

Applicant requests reconsideration of the holding of abandonment mailed June 4, 2004 in the above referenced application. Attached are copies of the Notice of Abandonment, Response to Notice to File Missing Parts of Application with certificate of mailing dated May 1, 2002, and signed Declaration and Power of Attorney. The signed Declaration and Power of Attorney was previously submitted along with the Response to Notice to File Mission Parts. No petition fee is required.

Respectfully submitted,

*Mark J. Buonaiuto*  
 Mark J. Buonaiuto  
 Registration No. 31,593  
 Attorney for Applicant

BAXTER INTERNATIONAL INC.  
 One Baxter Parkway  
 Deerfield, Illinois 60015



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/964,273	09/26/2001	Sean Brynjelsen	IFT-5776

CONFIRMATION NO. 9945

ABANDONMENT/TERMINATION  
LETTER

\*OC000000012866009\*

ASSISTANT GENERAL COUNSEL  
 BAXTER INTERNATIONAL INC.  
 LAW DEPARTMENT  
 ONE BAXTER PARKWAY, DF2-2E  
 DEERFIELD, IL 60015

Date Mailed: 06/04/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/07/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*M. Young*  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

MAY 6 2002

**Response To Notice To File Missing Parts Of Application**  
**Filing Date Granted (PTO-1533)(Large Entity)**

MEDICATION DELIVERY  
 PATENTS

VERY

Docket No.  
 IFT-5776

In Re Application Of: Brynjelsen et al.

Serial No.	Filing Date	Examiner	Group Art Unit
09/964,273	Sept. 26, 2001	Not yet assigned	1615

Invention: **PREPARATION OF SUBMICRON SOLID PARTICLE SUSPENSIONS BY SONICATION OF MULTIPHASE SYSTEMS**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
Nov. 7, 2001  
*Date*

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (REQUIRED)
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

1. Reply to Notice to File Missing Parts of Nonprovisional Application / Formalities Letter mailed November 7, 2001;
2. Replacement Specification;
3. Formal Drawings (3 sheets, 4 Figures);
4. Marked-up copy of Specification, showing all edits; and
5. Return Receipt Postcard.

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
IFT-5776

In Re Application Of: Brynjelsen et al.

Serial No.  
09/964,273

Filing Date  
Sept. 26, 2001

Examiner  
Not yet assigned

Group Art Unit  
1615

Invention: **PREPARATION OF SUBMICRON SOLID PARTICLE SUSPENSIONS BY SONICATION OF  
MULTIPHASE SYSTEMS**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

☒ Completion of application fees as calculated below:

☒ Utility application filing fee \$740.00

☐ Design application filing fee

☒ Total number of independent claims = 2

☒ Total number of claims = 29 \$162.00

☐ Multiple dependent claims

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath \$130.00

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

Total completion of application fees \$1,032.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month    ☐ Two months    ☐ Three months    ☒ Four months    ☐ Five months

from: January 7, 2002 until: May 7, 2002  
*Date* *Date*

Total time extension fees \$1,440.00

Total fees due \$2,472.00

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.  
IFT-5776

In Re Application Of: Brynjelsen et al.

Serial No.  
09/964,273

Filing Date  
Sept. 26, 2001

Examiner  
Not yet assigned

Group Art Unit  
1615

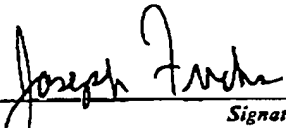
Invention: **PREPARATION OF SUBMICRON SOLID PARTICLE SUSPENSIONS BY SONICATION OF  
MULTIPHASE SYSTEMS**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of **\$2,472.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 02-1818  
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 02-1818  
A duplicate copy of this sheet is enclosed.



*Signature*

Joseph A. Fuchs, Reg. No. 34,604  
BELL, BOYD & LLOYD LLC  
P.O. Box 1135  
Chicago, IL 60690-1135  
Tel: (312) 807-4335

Dated: May 1, 2002

I certify that this document and fee is being deposited on May 1, 2002 with the U.S. Postal Service as first class mail under PS Form 3849, 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
*Signature of Person Mailing Correspondence*

**Robert M. Buccieri**

*Typed or Printed Name of Person Mailing Correspondence*

CC: